

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

|                                |   |                           |
|--------------------------------|---|---------------------------|
| JAMES CALVIN FRAZIER, #177281, | ) |                           |
|                                | ) |                           |
| Petitioner,                    | ) |                           |
| v.                             | ) | CASE NO. 3:10-cv-0004-MEF |
|                                | ) |                           |
| J. C. GILES, <i>et al.</i> ,   | ) |                           |
|                                | ) |                           |
| Respondents.                   | ) |                           |

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

(1) The petitioner's Objection to the Magistrate Judge Recommendation (Doc. #20) filed on October 5, 2011 is overruled;

(2) The Recommendation of the Magistrate Judge (Doc. #19) entered on September 19, 2011 is adopted;

(3) That the petition for habeas corpus relief pursuant to 28 U.S.C. § 2254 is DENIED and this case is DISMISSED with prejudice, as this Court lacks jurisdiction to consider Frazier's claims for relief.

DONE this the 13<sup>th</sup> day of October, 2011.

\_\_\_\_\_  
/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE